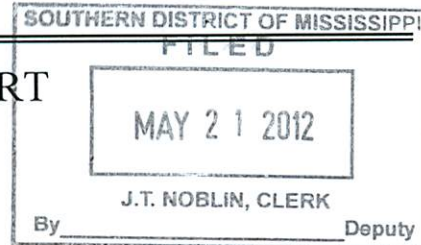


UNITED STATES DISTRICT COURT

for the

Southern District of Mississippi



United States of America

v.

GUSTAVO GARCIA-MAURICIO

Case No. 1:12 mj 506

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 1, 2012 in the county of Pearl River in the
Southern District of MS, Southern Division, the defendant(s) violated:

Code Section

18 U.S.C. § 922(g)(5)(A)

Offense Description

Illegal Alien in Possession of a Firearm

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.

A handwritten signature in blue ink, appearing to read "Holly C. Krantz".

Complainant's signature

Holly C. Krantz, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/21/2012

A handwritten signature in blue ink, appearing to read "Robert H. Walker".

Judge's signature

City and state: Gulfport, MS

Robert H. Walker, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

Holly C. Krantz, being duly sworn, hereby deposes and states as follows:

FACTS AND CIRCUMSTANCES

1. Your affiant is a Special Agent with Department of Homeland Security, Homeland Security Investigations, and has been employed as a Special Agent since 2008. This affidavit is based on my personal knowledge and information I have received from officers of the Picayune Police Department and other law enforcement agencies.

2. On May 01, 2012, at approximately 4:39am, Officer Chris Stocks, of the Picayune Police Department, arrested Gustavo GARCIA-MAURICIO for driving under the influence (DUI). An Immigration detainer was placed on GARCIA-MAURICIO by Immigration and Customs Enforcement as a result of his arrest for DUI. GARCIA-MAURICIO later bonded out of Picayune Jail and was released by the jailer who was unaware that an immigration detainer had been placed on GARCIA-MAURICIO.

3. On May 02, 2012, at approximately 12:42pm, Lieutenant (Lt.) James Bolton, of the Picayune Police Department, went to GARCIA-MAURICIO's place of employment, Consolidated Aggregates, which is located at 1205 Palestine Road, Building B, Picayune, Mississippi. The owner, Van Stockstill, informed Lt. Bolton that employee Arturo Mata stated GARCIA-MAURICIO would not be coming back to work because the police were looking for him (GARCIA-MAURICIO) for leaving a gun in the Picayune jail. Mata later gave Lt. Bolton a written statement stating that Gustavo Hernandez was the one who told him that GARCIA-MAURICIO would not be returning to work because police were looking for him for leaving a gun in the jail. Lt. Bolton later received a written statement from Gustavo Hernandez who stated that Gustavo GARCIA-MAURICIO came to work on May 2nd at 6:00am. GARCIA-MAURICIO received a phone call and then proceeded to tell Hernandez that he left a 40 caliber hand gun in the jail bathroom after being detained. Lt. Bolton then contacted the jailer on duty, Kevin Smith, and stated that a gun had been left in GARCIA-MAURICIO's jail cell. Smith stated GARCIA-MAURICIO had been held in cell number H-4 and that no one else was currently in that cell. Smith located a Glock Model 23 .40 caliber handgun with a serial number of #MAC153 under the toilet in jail cell number H-4. Record checks revealed said handgun was listed by Houston, Texas Police Department as being a stolen firearm.

4. On May 03, 2012, at approximately 3:00pm, Lt. Bolton and Detective Ray Rickoll met with Investigators of Hancock County Sheriff Department at which time they went to 26139 Broadridge Drive, Picayune, Mississippi in Hancock County to locate GARCIA-MAURICIO. GARCIA-MAURICIO was located inside the residence and arrested by Picayune Police Department for possession of a weapon by a convicted felon, possession of a weapon in a jail facility, and possession of a stolen firearm. While at said residence, Lt. Bolton located a box of .40 caliber ammunition and a magazine for a Glock .40 caliber handgun. The ammunition and magazine were seized as evidence.

5. On May 10, 2012, at approximately 2:14pm, Special Agent (SA) Krantz and Detective Ray Rickoll interviewed GARCIA-MAURICIO at the Picayune Police Department utilizing a contract interpreter for Department of Homeland Security via telephone. The interpreter was Ieda Gonzalez. SA Krantz gave GARCIA-MAURICIO a Miranda warning sheet in Spanish to read. GARCIA-MAURICIO stated to Gonzales that he understood his Miranda rights that he had just read and agreed to speak with SA Krantz and Detective Rickoll. GARCIA-MAURICIO stated he served time in prison in the state of Washington on a drug charge and that he had previously been removed from the United States for trying to illegally enter the United States near Laredo, Texas. GARCIA-MAURICIO further stated that after being removed from the United States he paid a Coyote \$2,500.00 to assist him in illegally returning to the United States. GARCIA-MAURICIO stated he entered the United States a foot near Reynosa approximately 12 or 13 years ago. GARCIA-MAURICIO stated he received a handgun from his friend Antonio Ramirez who departed to Mexico about fifteen days prior to his arrest. GARCIA-MAURICIO stated that on May 01, 2012, he was stopped by Picayune Police Department and was intoxicated at the time of the traffic stop. He removed the same handgun from his glove box and placed it into the front of his waistband. GARCIA-MAURICIO further stated he did not believe at the time that he would be arrested. GARCIA-MAURICIO then stated that the handgun was not located on him by the officer and upon his entry into the jail cell he placed the handgun under the toilet in the jail cell.

6. NCIC Record checks indicate GARCIA-MAURICIO was convicted of a felony charge on June 19, 1995 in Chelan County Washington for unlawful Possession of Controlled Substance with intent to deliver cocaine.

7. Immigration database checks indicate GARCIA-MAURICIO was encountered and placed into deportation proceedings on July 11, 1995 and ordered deported by an Immigration Judge on August 28, 1996. GARCIA-MAURICIO was then deported to Mexico on August 31, 1996. GARCIA-MAURICIO was again encountered at the Laredo, Texas Port of Entry on December 11, 1998 and received an expedited removal back to Mexico.

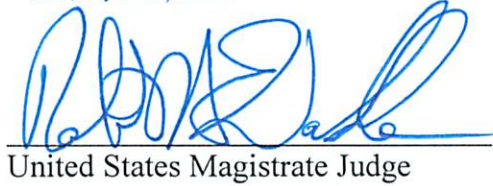
8. Based on all of the information set forth above, your affiant believes that there is probable cause to believe that Gustavo GARCIA-MAURICIO-Mauricio-Mauricio

violated Title 18 of the United States Code, Section 922(g)(5)(A), in that he is an alien illegally or unlawfully in the United States, and that he did possess a firearm (Glock .40 caliber pistol), which has been transported in interstate commerce.



Holly C. Krantz, Special Agent

Sworn to and subscribed before me this 21st day of may, 2012.



United States Magistrate Judge